

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Vincent L. Barr, #245797,)	C.A. No. 2:05-1557-CMC-RSC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Jon Ozmint, Director; Major Smith;)	
Captain C. Theodore; and Raymond Reed,)	
Warden,)	
)	
Defendants.)	
_____)	

This matter is before the court on Plaintiff's post-judgment motion filed pursuant to Fed. R. Civ. P. 60. Plaintiff contends this court erred in dismissing his case for failure to exhaust administrative remedies because his circumstance was non-grievable, and therefore his only remedy was to file suit in this court. Defendants oppose Plaintiff's motion.

The court agrees with the position of Defendants. The section of the Grievance Policy to which Plaintiff cites is not applicable to this matter.

Plaintiff's motion is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
March 27, 2006